

REMARKS

Favorable reconsideration is requested in view of the foregoing amendments and the following remarks.

I. Claim Status and Amendments

Claims 6-14 were pending in this application when last examined and stand rejected.

Claim 11 is amended to independent form by incorporating the subject matter of cancelled claim 6. Further support can be found on page 3, line 7-8 of the specification.

Claim 12 is amended to correct an typographical error.

Support for amended claim 13 can be found in the claim as filed and page 3, line 8-9 of the specification.

Claims 6-10 and 14 have been cancelled without prejudice or disclaimer thereto. Applicants reserve the right to file a continuation or divisional on any cancelled subject matter.

No new matter has been added by the above claim amendments.

Claims 11-13 are pending upon entry of this amendment.

Applicant notes the amended claims do not present any new issues for consideration and/or search as they incorporate subject matter already considered by the Office.

Accordingly, if the next Official Action on the merits includes a new ground of rejection of one or more claims, the Action must be non-final.

II. Prior Art Rejections

Claims 6-11 and 13 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Farber et al. (W.O. 01/85151) for the reasons set forth on page 2 of the Official Action.

Claim 12 was rejected under 35 U.S.C. § 103(a) as allegedly obvious over Farber for the reasons set forth on pages 2-3 of the Official Action.

These rejections are respectfully traversed and will be discussed together below.

To start, the Official Action contends that Farber discloses a composition related to treatment of psoriasis by a NGF inhibitor, particularly K252a. In a preferred embodiment in Farber, the NGF inhibitor is for topical administration in the form of lotions, creams, suspensions and gels.

It is respectfully submitted that the present amendment overcomes these rejections. Specifically, the rejections should fall, because the method of treatment of independent claim 11 has been amended to define the treated disorder as being "selected from the group consisting of chronic eczema, acne, pitiriasis rubra pilaris, keloids,

hypertrophic scars, and skin tumors." In doing so, independent claim 11 excludes treatment of psoriasis, i.e., the teachings of Farber. Thus, Farber fails to disclose or suggest each and every feature of amended independent claim 11. Accordingly, the amendment renders the anticipation rejection moot.

In addition, the amendment overcomes the obviousness over Farber. In this regard, Farber does not disclose or suggest a method of treating a disease characterised by hyperproliferation of keratinocytes, wherein said disease is selected from the group consisting of chronic eczema, acne, pitiriasis rubra pilaris, keloids, hypertrophic scars, and skin tumors as required in claim 11. Farber also does not disclose or suggest said method in combination with PUVA treatment or photodynamic treatment of claim 12.

Again, Farber only discloses a compound for treating psoriasis. It is believed that treatment of psoriasis in Farber is not suggestive of the other diseases in recited claim 11. In this regard, Farber does not mention any other disease condition as recited in claim 11. Nothing in Farber would suggest treatment of the other disease conditions recited in the claims. There is no rationale given in Farber or the Official Action to suggest otherwise. Thus, one of ordinary skill in the art would not be motivated or have a reasonable expectation of success to use the compound of Farber to treat a disease other than psoriasis, wherein said

other disease is characterised by hyperproliferation of keratinocytes and is selected from the group consisting of chronic eczema, acne, pityriasis rubra pilaris, keloids, hypertrophic scars, and skin tumors. The Office has not provided any rationale

By this amendment, it is believed that amended independent claim 11 and dependents claims 12 and 13 are novel and patentable over Farber.

For these reasons, Applicant respectfully submits that the above-noted 102(b) anticipation and 103(a) obviousness rejections are untenable and should be withdrawn.

III. Conclusion

Having addressed all the outstanding issues, the amendment is believed to be fully responsive. In view of the above, it is respectfully submitted that the application is in condition for allowance and notice to that effect is hereby requested. If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Jay F. Williams/

Jay F. Williams, Reg. No. 48,036
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

JFW/ml